

EW 3639

PTO/SB/21 (09-04)

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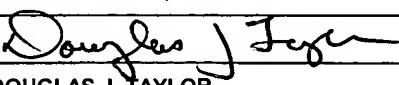
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		Application Number	10/002,566
		Filing Date	November 1, 2001
		First Named Inventor	WEAVER CHANA L
		Art Unit	3639
		Examiner Name	ROBINSON BOYCE, AKIBA K.
		Attorney Docket Number	5603USA
Total Number of Pages in This Submission	4	Customer No.	30173

ENCLOSURES (check all that apply)

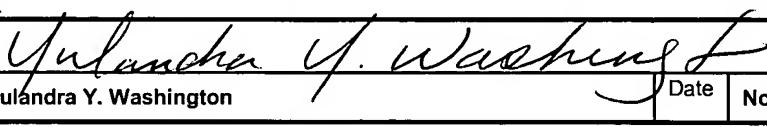
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Attorney Docket No. 5603

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Weaver et al.

TC/Art Unit: 3639

Appl. Serial No.: 10/002,566

Examiner: Robinson Boyce, Akiba K

Filing Date:: 01 November 2001

Title: System and Method for Product Category Management Analysis

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Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DATED: 28 November 2005

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has issued a Restriction Requirement in the above-mentioned application on October 27, 2005, said Restriction Requirement being as follows:

- I. Claims 1-2, drawn to cost/price;
- II. Claims 3-4, drawn to market analysis/demand forecasting;
- III. Claims 5-13, drawn to operations research; and
- IV. Claim 14, drawn to data processing/scoring.

Applicants wish to respond to the Restriction Requirement as follows.

The Examiner alleges that Inventions I and II are related as subcombinations disclosed as usable together in a single combination. Such subcombinations are distinct from each other if they are shown to be separately usable. The Examiner then alleges that Invention I has a separate utility such as determining a management plan

according to pricing information in order to increase product sales. However, Applicants note that the Examiner fails to show how Invention II has a separate utility from Invention I. As such, Applicants assert that restriction between Inventions I and II is improper.

The Examiner alleges that Inventions II and III are related as subcombinations disclosed as usable in a single combination. Such subcombinations are distinct from each other if they are shown to be separately usable. The Examiner then alleges that Invention II has a separate utility, such as creating a market analysis according to product categories. However, Applicants note that the Examiner fails to show how Invention III has a separate utility from Invention II, particularly since both Inventions provide an analysis according to product categories. As such, Applicants assert that restriction between Inventions II and III is improper.

The Examiner alleges that Inventions I and III are related as subcombinations disclosed as usable in a single combination. Such subcombinations are distinct from each other if they are shown to be separately usable. The Examiner then alleges that Invention III has a separate utility such as creating a report based on consumer purchase tracking data. However, Applicants note that the Examiner fails to show how Invention I has a separate utility from Invention III. As such, Applicants assert that restriction between Inventions I and III is improper.

The Examiner alleges Inventions IV and I, II or III are related as subcombinations disclosed as usable in a single combination. Such subcombinations are distinct from each other if they are shown to be separately usable. The Examiner then alleges that Invention IV has a separate utility such as utilizing a score card technique to help develop category management information. However, Applicants note that the Examiner fails to show how Inventions I, II or III have a separate utility from Invention IV. As such, Applicants assert that restriction between Invention IV and Inventions I, II or III is improper.

Applicants assert that the Restriction Requirement set forth by the Examiner on October 27, 2005 is improper for the reasons set forth above. Applicants accordingly request that such Requirement be withdrawn and that Claims 1-14 be examined in totality. However, should the Examiner continue to maintain such Requirement,

Appl. No. 10/002,566
Docket No. 5603US

Applicants, in order to facilitate further examination of this applicant, hereby elect the subject matter of Invention III (claims 5-13), with traverse; and request that examination of such Claims commence at the Examiner's earliest convenience.

Respectfully submitted,



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